

## REMARKS

### Claim amendments

The claim amendments are made to more clearly recite that the multiplayer game is a multiplayer wager game, i.e., one in which the players make wagers on the outcome.

Claim 33 has been amended to include additional physical subject matter to avoid any question that the claim complies with the machine-or-transformation test of patentable subject matter under 35 U.S.C. § 101 and the Federal Circuit's *In re Bilski* decision.

### Rejection of claims 1-4, 9, 18, 32-36, 41 and 50 as anticipated by or in the alternative obvious over Rozkin et al., US 7,192,351

The Examiner rejected claims 1-4, 9, 18, 32-36, 41 and 50 as anticipated by or in the alternative obvious Rozkin. The rejection should be withdrawn in view of the following remarks.

Briefly, the present applicant has invented an entirely new and unobvious method and apparatus for playing wager games. The salient features of the invention are as follows:

- 1) participating players each play a separate instance of the same single-player game (e.g., slots);
- 2) the participating players place a wager on an outcome of a multiplayer wager game, not their own single player game;

3) the gaming server is operable to group the plurality of player stations into a single instance of the multiplayer wager game; and

4) the outcome of the multiplayer wager game is a function of the combined results of the separate instances of the single-player game played at the plurality of player stations.

The specification gives a number of examples of how this invention can be practiced, for example where each player plays the single-player game of slots, but all such players are grouped together into a single instance of a multiplayer game. See e.g., the ten examples from page 21 to page 33 line 32. As set forth in claim 1, the administration facility is operative to determine the outcome of the multiplayer game as a function of the combined results of the separate instances of the single player game. For example, in the Example 3 “winner take all” multiplayer game, specification at page 24, (a) the payouts corresponding to all successful results from the individual instances of play (bottom of page 23) are accumulated into a prize pool and (b) the participating player with the highest-paying successful in their instance of the single player game wins the prize pool (top of page 24).

Thus, with this invention two distinct games are occurring at the same time -- (1) the single player game being played on each player's station (e.g., video slots), and (2) the multiplayer wager game which is represented by the accumulation or grouping of the single player games (e.g. the “winner take all” example reference above), in which the outcome of the multiplayer game is determined by the results of the single player games.

This is completely unique over the art of record.

### Claim 1

The inventive features recited in claim 1 are reflected in claim 1 as follows:

1. A multiplayer gaming system facilitating a number of participating players to play a multiplayer wager game, each participating player associated with a player station, each player station being usable by a respective participating player to play a separate instance of a same single-player game having a plurality of possible results, the player station enabling the participating player to place a wager on an outcome of the multiplayer wager game; comprising:

a gaming server and an administration facility communicable with each one of the plurality of player stations, wherein the gaming server is operable to group the plurality of player stations into a single instance of the multiplayer wager game in which each player plays an instance of the single player game, and wherein the administration facility is operable to determine an outcome of the multiplayer wager game as a function of the combined results of the separate instances of the single-player game played at the plurality of player stations, . . .

### Rozkin

Rozkin discloses the ability of the players to see other players playing on other slot machines and engage in chat in real time, the individual players are playing their own independent single player games. The individual games or players are not combined into or a part of a multiplayer wager game; let alone a multiplayer wager game whose outcome is a function of the individual results of play. (See Abstract, “different players independently play different games on their computers”). The goal of Rozkin is to simulate the real casino environment (col. 1 line 67 to col. 2 line 2), and in the “real” casino environment players play individual and independent games of slots. This is what is essentially described in Rozkin at col. 2 line 57 – col. 3 line 18.

The Examiner reads far too much into the Rozkin reference and the oblique reference to progressive jackpots. The paragraph referred to by the Examiner for the subject matter at issue here, col. 1 lines 35-45, lists single-player games that a player can

observe on his screen, namely: 1) video poker machines; 2) 3-reel machines; 3) 5x3 video slot machines; and 4) other types (i.e. those with progressive jackpots or bonus game screens). These types of games are described, at column 1, lines 39-41 of Rozkin, as "... slot machines or other types of gaming devices that a player typically plays by herself are displayed in a multi-player format . . . ." (emphasis added). What the reference is teaching is that the individual players play the video slots type games by themselves, but which may be displayed in a manner so that a given player can observe the single player game activity of other players, as in a physical casino environment.

There is no teaching or suggestion whatsoever that the instances of different slot machine games played by different players are combined in any way whatsoever into a multiplayer wager game. The progressive jackpot of Rozkin must be interpreted as a single-player progressive game, i.e. (a) the progressive jackpot is associated only with that single-player game, (b) such jackpot is funded by contributions from wagers on that particular single-player game, and (c) the jackpot can be won only by the player who plays that particular single-player game. The Rozkin reference does not contain any other reference to a progressive jackpot. Thus, Rozkin teaches away from the claims.

The applicants further take note of the "community slots" description at col. 2 lines 17-32 of Rozkin, and it is also not teaching the combining of individual instances of single player games into a multiplayer game. The word "community" in "community slots" only indicates that several players are playing individual games (see Figure 1) in a manner where they can observe each others' play, like in a real casino. The single player individual instances are not in any sense combined into a multiplayer game, whether or not the individual instances include progressive jackpots. Furthermore, in the community

slots embodiment, there is no wager on a multiplayer wager game, nor is there any disclosure or suggestion of a multiplayer wager game in which the outcome of such multiplayer wager game is determined by the results of the single player games played by individual players. This is completely foreign to Rozkin. At most, Rozkin's community slots may provide some social connectedness between players, but that is not what the applicants are claiming in claim 1.

In view of the above, it is apparent that Rozkin does not disclose or render obvious the claimed features of:

- a) combining at least the single player games engaged into by the various workstations into a multiplayer wager game,
- b) wagering on a multiplayer wager game, and
- c) a multiplayer wager game in which the outcome of the multiplayer wager game is a function of the results of play of the single-player games.

Claims dependent from claim 1 are allowable over Rozkin by virtue of claim dependency.

### Claim 33

Claim 33 is expressed in method format and recites:

33 A method of operation of a multiplayer gaming system, comprising the steps of:

providing computer instructions to a plurality of gaming workstations enabling each one of a plurality of players using such workstations to participate

in a multiplayer wager game by playing a separate instance of a same single-player game having a plurality of possible results;

the instructions further enabling each participating player to place a wager on an outcome of the multiplayer wager game and transmit such wager to a gaming server; and

using an administration facility associated with the gaming server to determine an outcome of the multiplayer game as a function of the combined results of the separate instances of the single-player game, the outcome of the multiplayer wager game being either a favourable outcome if at least one participating player is determined as being a winner of the multiplayer wager game, or an unfavourable outcome in which none of the participating players is determined as being a winner.

As the subject matter of claim 33 tracks the subject matter of claim 1 in all material respects, the arguments with respect to claim 1 are applicable to 33 and are incorporated herein. The rejection of claim 33 and claims dependent therefrom based on Rozkin should be withdrawn.

Claims 5-8, 10-17, 19-31, 37-40, 42-49 and 51-62

Claims 5-8, 10-17, 19-31, 37-40, 42-49 and 51-62 stand rejected as obvious over Rozkin in view of Weingardt, US patent 5,476,259,

Weingardt is directed generally to pari-mutuel wager games and machines, in which the amount a player can win is based on the amounts that have been wagered by that player and other players (i.e., a common pool), less a portion set aside for the gaming

establishment or proprietor. See col. 5 lines 26-64. This is the principle of operation of all of the Weingardt games, including the Electronic Video Poker Machine of col. 7 lines 7-18. The reference further discloses seeding of pari-mutuel pools by the house, e.g., at col. 8 lines 37-60. However, in the pari-mutuel wagering of Weingardt, the players are not grouped into a multiplayer wager game in the manner recited in claims 1 and 33. The players are not placing wagers on a multiplayer wager game. Rather, they play their single player games, such as poker or video slots. Accordingly, Weingardt does not make up for the deficiency in Rozkin in failing to suggest the manner of playing a multiplayer wager game as recited in claims 1 and 33. Weingardt can be viewed as a reference explaining how to construct a pool of prize money for players to win and limit exposure of the house to losses according to well known principles of pari-mutuel wagering; it does not break new ground on the play of games per se.

At most, viewing Rozkin in light of the teachings of pari-mutuel gaming and its advantages as explained in Weingardt would suggest to a person skilled in the art that slots games of Rozkin might be played in a pari-mutuel manner, in which the players are competing for a pool of prize money formed from the wagers and not against "the house" or proprietor of the Rozkin games. See Weingardt at col. 10 lines 14 et seq. (describing pari-mutuel slot machines in which payoff are made from a prize pool, which may be seeded by the house); the same principles apply to other games, e.g., col. 12 lines 8-30 (payouts in video poker paid from common pari-mutuel pool; credit system is used to dictate payouts based on size of pool and amount wagered), col. 15 lines 32-54. This is the only reasonable combination of the references. In this situation, the players are still playing single player games and wagering on such single player games; there is no

grouping of players into multiplayer wager games, no wagering on a multiplayer wager game, or determining an outcome of a multiplayer wager game based on the combined results of the outcomes of the single player games. This result cannot be deemed obvious over Rozkin and Weingardt since the references completely fail to suggest it.

In view of the above, claims 5-8, 10-17, 19-31, 37-40, 42-49 and 51-62 are not obvious since the references fail to render obvious the subject matter of claims 1 and 33 from which these claims depend.

The Examiner is requested to withdraw the instant rejections and allow the application.

Respectfully submitted,

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#### CERTIFICATE OF MAILING

The undersigned hereby certifies that the foregoing response to office action is being deposited as Express mail, mailing no. EB635900085US postage prepaid in an envelope addressed to Mail Stop RCE, Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450 on this 5 th day of ~~February~~ March 2010.

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